

Montero, V.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

PETERSON INDUSTRIES, INC., individually and on
behalf of all others similarly situated,

Plaintiff,

v.

GOLDMAN SACHS GROUP, INC., GS POWER
HOLDINGS LLC, METRO INTERNATIONAL TRADE
SERVICES LLC, LONDON METAL EXCHANGE
LIMITED, and DOES 1-10, inclusive

Defendants.

Civil Action No. 13 Civ. 6689 (VM)

**STIPULATION AND
ORDER
EXTENDING THE
DEADLINE TO RESPOND TO
THE COMPLAINT**

STIPULATION AND ORDER

WHEREAS, on September 20, 2013, Plaintiff Peterson Industries, Inc. filed Case No. 13-6689;

WHEREAS, in civil actions now pending in this and in multiple other jurisdictions, other plaintiffs have asserted related or similar claims to those made in Case No. 13-6689;

WHEREAS, on August 7, 2013, one of those other plaintiffs, pursuant to 28 U.S.C. § 1407, had filed a motion to transfer all Related Actions to the Eastern District of Michigan with the United States Judicial Panel on Multidistrict Litigation (“JPML”), opening MDL No. 2481;

WHEREAS, for purposes of this Stipulation and Order, the following Definitions shall apply:

Order, the following

- a. "Stipulating Plaintiff" shall mean Plaintiff Peterson Industries, Inc.
- b. "Stipulating Defendants" shall mean The Goldman Sachs Group, Inc.; GS Power Holdings LLC; and Metro International Trade Services LLC.
- c. "Individual Action" shall mean the civil action filed by Stipulating Plaintiff against Stipulating Defendants in the Southern District of New York, assigned Civil Action No. 13-6689.
- d. "Other Related Actions" shall mean all civil actions now pending or other actions such as may be subsequently filed in, or removed to, federal court, asserting related or similar claims as made in the Individual Action, including, but not limited to, Civil Actions 13-13418 (E.D. Mich.); 13-13555 (E.D. Mich.); 13-13701 (E.D. Mich.); 13-01464 (C.D. Cal.); 13-00431 (N.D. Fla.); 13-13315 (E.D. Mich.); 13-05537 (S.D.N.Y.); 13-05267 (E.D. La.); 13-13413 (E.D. Mich.); 13-13878 (E.D. Mich.); 13-14607 (E.D. Mich.); 13-14036 (E.D. Mich.); 13-14194 (E.D. Mich.); 13-06567 (S.D.N.Y.); 13-14087 (E.D. Mich.); and 13-13925 (E.D. Mich.).
- e. "Related Actions" shall mean the Individual Action and the Other Related Actions, collectively.

WHEREAS, Stipulating Plaintiff and Stipulating Defendants, by and through their undersigned counsel, stipulate, unless ordered otherwise by the Court, to the following Order:

1. ***Acceptance of Service and Waiver of Formal Service of Process.*** The undersigned counsel for the Stipulating Defendants hereby accept service of the complaint in the Individual Action for the Stipulating Defendants and waive the need for formal service of process.

2. ***Extension of Time to Respond until After JPML Rules in MDL No. 2481.*** The Stipulating Defendants' time to answer, move or otherwise plead in response to any operative complaint filed by Stipulating Plaintiff is hereby extended until sixty (60) days after a consolidated amended complaint is filed in the District to which the JPML assigns the Individual Action and all Other Related Actions.

3. ***Briefing on Any Motion to Dismiss.*** In the event that one or more Stipulating Defendants moves to dismiss any operative complaint, whether consolidated and/or amended, filed by Stipulating Plaintiffs, such motion shall be briefed on a 60-60-60 day schedule.

4. ***Responses Prior to Other Related Actions.*** Further, and notwithstanding any other provision set forth herein, if any Stipulating Defendant answers, moves, or otherwise pleads in response to any complaint filed in any Other Related Action before the date required by this Stipulation, then the schedule set forth in Paragraph 2 above shall be void, and the Stipulating Plaintiff and Stipulating Defendants shall promptly meet and confer within five calendar days concerning the schedule in the Individual Action. If and to the extent that they fail to reach an agreement, then the parties shall revert to their respective positions prior to the date of this stipulation as if no extension had been given, and they reserve all rights to seek the involvement of the Court.

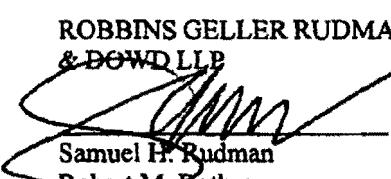
5. ***No Other Waiver.*** Except as to the sufficiency of process or service of process, the entry into this Stipulation by the Stipulating Defendants shall not constitute a waiver of any jurisdictional defenses that may be available under Rule 12 of the Federal Rules of Civil Procedure, a waiver of any affirmative defenses under Rule 8 of the Federal Rules of Civil Procedure, or a waiver of any other statutory or common-law defenses that may be available to the Stipulating Defendants in the Individual Action and/or the Other Related Actions. The

Stipulating Defendants expressly reserve their rights to raise any such defenses in response to any operative or amended complaint that may be filed relating to the Individual Action.

6. Nothing herein shall be construed to stay this action.

STIPULATED AND AGREED TO THIS 15th DAY OF OCTOBER 2013.

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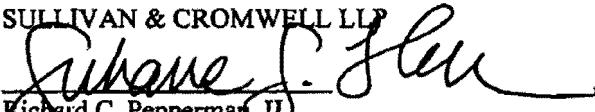
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*Attorneys for Goldman Sachs Group, Inc, GS
Power Holdings LLC, and Metro International
Services LLC*

SO ORDERED.

10-15-13

DATE


VICTOR MARRERO, U.S.D.J.

Dated: October 15, 2013

SO ORDERED.

Honorable Victor Marrero
UNITED STATES DISTRICT JUDGE 